

## CCRB INVESTIGATIVE RECOMMENDATION

|   |   |                               |   |                                    |                                 |
|---|---|-------------------------------|---|------------------------------------|---------------------------------|
| Investigator:<br>Amgad Fawzy                    | Team:<br>Team # 3                       | CCRB Case #:<br>201209600     | <input checked="" type="checkbox"/> Force             | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|   |   |                               | <input type="checkbox"/> Abuse                        | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Friday, 07/20/2012 12:45 AM | Location of Incident:<br>989 2nd Avenue | Precinct:<br>17               | 18 Mo. SOL<br>1/20/2014                               | EO SOL<br>1/20/2014                |                                 |
| Date/Time CV Reported                           | CV Reported At:<br>Precinct             | How CV Reported:<br>In-person | Date/Time Received at CCRB<br>Thu, 07/26/2012 1:10 PM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |

| Subject Officer(s)    | Shield | TaxID  | Command |
|-----------------------|--------|--------|---------|
| 1. POM Johnpaul Leddy | 30702  | 930548 | 017 PCT |
| 2. SGT Thomas Fabrizi | 00770  | 938464 | 017 PCT |

| Officer(s)           | Allegation  | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A.SGT Thomas Fabrizi | Force: Sgt. Thomas Fabrizi used physical force against § 87(2)(b) |                             |
| B.POM Johnpaul Leddy | Force: PO Johnpaul Leddy used physical force against § 87(2)(b)   |                             |

### Case Summary

On July 20, 2012, Sgt. Thomas Fabrizio called the NYPD Internal Affairs Bureau (IAB) to report an injured prisoner and relay further information provided by § 87(2)(b) the prisoner in question. IAB then forwarded this complaint to the Civilian Complaint Review Board (CCRB) on July 26, 2012.

Sgt. Fabrizio reported that at approximately 12:45 a.m. on July 20, 2012, he and PO Leddy were flagged down by the manager of Turtle Bay Bar at 989 2<sup>nd</sup> Avenue in Manhattan, who informed them that § 87(2)(b) had been engaging in unwanted physical contact with women in front of the establishment. § 87(2)(b) was intoxicated when he and PO Leddy approached him. Upon noticing the two officers, § 87(2)(b) stepped back off the curb and threw a punch at PO Leddy. In response, PO Leddy and Sgt. Fabrizio took § 87(2)(b) to the ground and a physical struggle ensued as they attempted to handcuff a combative § 87(2)(b). According to Sgt. Fabrizio, § 87(2)(b) continued resisting as he and PO Leddy attempted to place him in their marked RMP. While being placed in the prisoner holding cell, § 87(2)(b) informed PO Leddy that the police had knocked his teeth out (**Allegations A and B**). At 4:15 a.m. on July 20, 2012, Capt. Thomas Ditrano of the Employee Management Division called IAB to report that § 87(2)(b) had sustained a minor chipped tooth, and that he refused medical attention.

Sgt. Fabrizio acknowledged that he and PO Leddy interacted with § 87(2)(b) at the scene of the encounter, and that it was they who placed him in custody. § 87(2)(g)

Phone contact was initially attempted with § 87(2)(b) on July 30, 2012, at which time a recorded message stated that he is unavailable but provided no opportunity to leave a voicemail. A letter was sent to § 87(2)(b) on July 31, 2012, and was not returned to the CCRB by the United States Postal Service (USPS). Phone contact was again attempted on August 7, 2012 with the same result. Additional attempts to establish phone contact with § 87(2)(b) were made on August 15, 2012 and August 23, 2012. In those instances, too, it was not possible to leave a voicemail message. A second letter was mailed to § 87(2)(b) on August 23, 2012. This letter has not been returned to the CCRB by USPS. A final attempt to contact him by phone was made on August 29, 2012, and the option to leave a voicemail was again not available. As of August 31, 2012, § 87(2)(b) has made no attempted to contact the CCRB. A search of the New York City Department of Correction database conducted on August 29, 2012 reveals that § 87(2)(b) is not currently incarcerated. § 87(2)(g)

Team: 3

|               |                    |                   |
|---------------|--------------------|-------------------|
| Investigator: | <u>Amgad Fawzy</u> | <u>08/31/2012</u> |
| Signature     | Print              | Date              |

|                 |       |       |
|-----------------|-------|-------|
| Supervisor:     | _____ | _____ |
| Title/Signature | Print | Date  |

|                 |       |       |
|-----------------|-------|-------|
| Reviewer:       | _____ | _____ |
| Title/Signature | Print | Date  |

|           |       |       |
|-----------|-------|-------|
| Reviewer: | _____ | _____ |
|-----------|-------|-------|

Title/Signature

Print

Date